

AN ORDINANCE 2006-02-09-0200

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 18.627 acres out of NCB 16001 from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.


SECTION 5. This ordinance shall become effective on February 19, 2006.

PASSED AND APPROVED this 9th day of February, 2006.



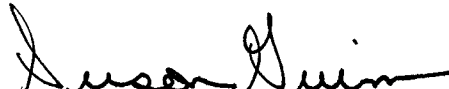
**M A Y O R
PHIL HARDBERGER**

ATTEST:



City Clerk

APPROVED AS TO FORM:



For City Attorney

Agenda Voting Results

Name: Z-5.

Date: 02/09/06

Time: 02:11:48 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005276 (District 4): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 18.627 acres out of NCB 16001, 5900 and 6000 Block of Ray Ellison Boulevard as requested by Morano Family Investment Company, Inc., Applicant, for Frank Morano, Owner(s). Staff and Zoning Commission recommend approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

22005276



Seda Consulting Engineers, Inc.

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 e-mail: seda@satx.rr.com

CIVIL • STRUCTURAL • ENVIRONMENTAL • PLANNER

FIELDNOTE DESCRIPTION of a 18.627 acre tract of land situated partially in the Lucas Mendoza Survey No. 86 and partially in the Santiago Hernandez Survey No. 209, both in Abstract No.323, and partially in the Maria F. Rodriguez Survey No. 4, Abstract No. 16, all of which are in New City Block 16001 in the City of San Antonio, Bexar County, Texas and being a portion of that certain tract of land said to contain 11.721 acre of land area in a deed dated April 19, 2001 to Moreno Family Investment Company, Inc. as recorded in Volume 8836, Page 1543, Official Public Records of Real Property of Bexar County, Texas, and a portion of that certain tract of land said to contain 17.045 acres of land area in a deed dated August 22, 2001 to Moreno Family Investment Company, Ltd. as recorded in Volume 9024, Page 2444, Official Public Records of Real Property of Bexar County, Texas. Said 18.627 acre tract of land being more particularly described by metes and bounds as follows;

Beginning at a ½" iron rod found on the Westerly right-of-way line of Walnut Valley Drive (having a right-of-way width of 50.00' per Volume 5580, Page 138), same being the Westerly boundary line of Lackland City Subdivision Unit-49 a subdivision of record in Volume 5580, Page 138, Deed and Plat Records of Bexar County, Texas, for the most Southeasterly corner of Lot 58, Block 91, New City Block 15216, Vacate and Replat of Lackland City Subdivision Unit-44 as recorded in Volume 5700, Page 295, Deed and Plat Records of Bexar County, Texas, ½" iron rod found also being the most Northeasterly corner of said 17.045 acre tract and this tract of land;

Thence with the Westerly line of said Walnut Valley Drive and said Lackland City Subdivision Unit-49, same being the Easterly boundary line of said 17.045 acre tract of land, South 09°37'41" West for a distance of 105.00', to a ½" iron rod found at the most Northerly return of the Northwesternly intersection of said Walnut Valley Drive and Goldenvalley Drive (having a right-of-way width of 50.00' per Volume 5580, Page 138), for a point of curvature of a curve to the right;

Thence with said return and curve to the right having a radius of 15.00', a delta of 90°00'00", an arc length of 23.56', and a chord bearing and distance of South 54°37'41" West, 21.21', to a ½" iron rod found for the most Southerly return at said Northwesternly intersection of Walnut Valley Drive and Goldenvalley Drive;

Thence with the Westerly right-of-way of said Goldenvalley Drive, same being the Easterly boundary line of said 17.045 acre tract of land, South 09°37'41" West for a distance of 50.00', to a ½" iron rod found for the most Northerly return at the Southwesterly corner of said intersection of Walnut Valley Drive and Goldenvalley Drive;

Thence with said return on a curve to the right having a radius of 15.00', a delta of 89°58'58", an arc length of 23.56', and a chord bearing and distance of South 35°22'19" East, 21.21', to a ½" iron rod found for the most Southerly return at said Southwesterly intersection of Walnut Valley Drive and Goldenvalley Drive, and being the most Southwesterly corner of said Lackland City Subdivision Unit-49, ½" iron rod found also being the most Northwesterly corner of Lackland City Subdivision Unit-50 a subdivision of record in Volume 5700, Page 104, Deed and Plat Records of Bexar County, Texas;

Thence with said Westerly right-of-way of Walnut Valley Drive and the Westerly boundary line of said Lackland City Subdivision Unit-50, same being the Easterly boundary line of said 17.045 acre tract of land, the following three (3) calls;

1. South 09°37'41" West for a distance of 55.07', to a ½" iron rod found for a point of curvature of a curve to the left;
2. With said curve to the left having a radius of 175.00', a delta of 20°00'00", an arc length of 61.09', and a chord bearing and distance of South 00°22'19" East, 60.78', to a ½" iron rod found for a point of tangency;
3. South 10°22'19" East for a distance of 234.06', to a ½" iron rod found at the most Southwesterly corner of said right-of-way of Walnut Valley Drive and said Lackland City Subdivision Unit-50;

Thence with said Southerly right-of-way line of Walnut Valley Drive, same being the Northerly boundary line of said 17.045 acre tract of land, North 79°37'41" East for a distance of 50.00', to a ½" iron rod found for the most Southerly return at the Southeasterly intersection of said Walnut Valley Drive and Hazelvalley Drive (having a right-of-way width of 50.00' per Volume 5700, Page 104), on a curve to the right.

Thence with said return and curve to the right having a radius of 15.00', a delta of 89°58'58", an arc length of 23.56', and a chord bearing and distance of North 34°37'41" East, 21.21', to a ½" iron rod found for the most Northerly return at said Southeasterly intersection of Walnut Valley Drive and Hazelvalley Drive, for a point of a compound cruve to the right;

Thence with the Southerly right-of-way of said Hazelvalley Drive and the Southerly boundary line of Lackland City Subdivision Unit-50, same being the Northerly boundary line of said 17.045 acre tract of land, the following two (2) calls;

1. With said curve to the right having a radius of 125.00', a delta of 20°00'00", an arc length of 43.63', and a chord bearing and distance of North 89°37'10" East, 43.41', to a ½" iron rod found for a point of tangency;
2. South 80°22'19" East for a distance of 41.28', to a ½" iron rod found for the most Northwesterly corner of Lot 2, Block 107, New City Block 15225 of said Lackland City Subdivision Unit-50;

Thence with the Westerly boundary line of said Lot 2, same being the Easterly boundary line of said 17.045 acre tract of land, South 09°37'41" West for a distance of 136.00', to a

½" iron rod found for the most Southwesterly corner of said Lot 2 and being an angle point of said 17.045 acre tract of land;

Thence crossing said 17.045 acre tract of land the following three (3) calls;

1. North 80°22'19" West for a distance of 53.25', to an angle point on a curve to the right;
2. With said curve to the right having a radius of 425.00', a delta of 19°33'35", an arc length of 145.09', and a chord bearing and distance of South 00°09'30" East, 144.38', to a point of tangency;
3. South 09°37'17" West for a distance of 17.93', to a point on the Northerly right-of-way of Ray Ellison Drive, same being the Southerly boundary line of said 17.045 acre tract of land, for the most Southeasterly corner of this tract of land;

Thence with said Northerly right-of-way of Ray Ellison Drive, same being the Southerly boundary line of said 17.045 acre tract of land and the Southerly boundary of said 11.721 acre tract of land, the following four (4) calls;

1. North 80°22'43" West for a distance of 187.00', to a ½" iron rod found for a point of curvature of a curve to the right;
2. With said curve to the right having a radius of 1,095.91', a delta of 42°56'00", an arc length of 821.20', and a chord bearing and distance of North 58°54'43" West, 802.12', to a ½" iron rod found for a point of tangency;
3. North 37°26'43" West for a distance of 312.15', to a ½" iron rod found for a point of curvature of a curve to the left;
4. With said curve to the left having a radius of 1,004.94', a delta of 07°43'24", an arc length of 135.46', and a chord bearing and distance of North 41°18'25" West, 135.36', to a point for the most Southwesterly corner of this tract of land;

Thence crossing said 11.721 acre tract of land, the following four (4) calls;

1. North 09°37'41" East for a distance of 263.60', to an angle point on a curve to the right;
2. With said curve to the right having a radius of 1,816.00', a delta of 03°30'43", an arc length of 111.31', and a chord bearing and distance of North 65°35'26" West, 111.30', to a point of tangency;
3. North 63°50'04" West for a distance of 112.06', to an angle point;
4. North 26°09'56" East for a distance of 270.00', to a point on the Southerly boundary line of Lot 7, Block 91, New City Block 15216, Lackland City Subdivision Unit-44 a subdivision of record in Volume 5502, Page 99, Deed and Plat Records of Bexar County, Texas, same being the Northerly boundary line of said 11.721 acre tract of land for the most Northwesterly corner of this tract of land;

Thence with the Southerly boundary line of Lots 7 through 13, Block 91 of said Lackland City Subdivision Unit-44, same being the Northerly boundary line of said 11.721 acre tract of land, the following two (2) calls;

1. South $63^{\circ}50'04''$ East for a distance of 112.06', to a $\frac{1}{2}$ " iron rod found for a point of curvature of a curve to the left;
2. With said curve to the left having a radius of 1,546.00', a delta of $10^{\circ}59'55''$, an arc length of 296.77', and a chord bearing and distance of South $69^{\circ}20'01''$ East, 296.32', to a $\frac{1}{2}$ " iron rod found for the most Northwestern corner of Lot 60, Block 91, New City Block 15216, Vacate and Replat of Lackland City Subdivision Unit-44 a subdivision of record in Volume 5870, Page 28, Deed and Plat Records of Bexar County, Texas;

Thence with the Westerly boundary line of said Lot 60, same being the Easterly boundary line of said 11.721 acre tract of land, South $32^{\circ}37'00''$ East for a distance of 14.76', to a $\frac{1}{2}$ " iron rod found for an angle point;

Thence continuing with the Westerly boundary line of said Lot 60 and the Westerly boundary line of Lots 48 and 49, Block 91, New City Block 15216, of said Vacate and Replat of Lackland City Subdivision Unit-44, same being the Easterly boundary line of said 11.721 acre tract of land, South $09^{\circ}37'41''$ West for a distance of 302.29', to a $\frac{1}{2}$ " iron rod found for an angle point;

Thence with the Southerly boundary line of Lots 49 through 58, Block 91, New City Block 15216 of said Vacate and Replat of Lackland City Subdivision Unit-44, same being the Northerly boundary line of said 11.721 acre tract of land, South $80^{\circ}22'19''$ East for a distance of 795.30', to the **Point of Beginning**, containing 18.627 acres of land area, more or less, within this metes and bounds description.

NOTE: There is a drawing made to accompany this metes and bounds description.

CASE NO: Z2005276

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from December 6, 2005 and December 20, 2005

Date: February 09, 2006

Zoning Commission Meeting Date: January 17, 2006

Council District: 4

Ferguson Map: 647 F6 & F7

Applicant:

Owner:

Morano Family Investment Company, Inc.

Frank Morano

Zoning Request: From "R-6" Residential Single-Family District to "R-5" Residential Single-Family District

18.627 acres out of NCB 16001

Property Location: 5900 and 6000 Block of Ray Ellison Boulevard

Along northern R.O.W. of Ray Ellison Boulevard approximately 400 feet to the east of Loop 410

Proposal: Single-family dwellings

Neighborhood Association: People Active in Community Effort

Neighborhood Plan: United Southwest Communities Plan

Traffic Impact Analysis

A Traffic Impact Analysis is not required, however, it may be required at the building permit or plat stage.

Staff Recommendation:

Consistent

The request does conform to the land use plan of the United Southwest Communities Plan. The land-use component of the plan calls for low density residential at this location.

Approval

The subject property is undeveloped and located on Ray Ellison Boulevard a major thoroughfare. The subject property is adjacent to "R-6" Residential Single-Family District to the north and east (single-family dwellings) with "C-3" General Commercial District across Ray Ellison Boulevard at SW Loop 410 (vacant). The "R-5" Residential Single-Family District would be appropriate at this location. The "R-6" Residential Single-Family District allows lots with a minimum area of 6,000 square feet. The "R-5" Residential Single-Family District allows lots with a minimum area of 5,000 square feet.

"R-6" Residential Single-Family District (7 units per acre)

"R-5" Residential Single-Family District (9 units per acre)

Zoning Commission Recommendation:

Approval

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005276

ZONING CASE NO. Z2005276 – December 6, 2005

Applicant: Morano Family Investment Company, Inc.

Zoning Request: "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 18.627 acres out of NCB 16001, "C-2" Commercial District on 2.776 acres out of NCB 16001 and "C-3" General Commercial District on 3.563 acres out of NCB 16001.

Salah E. Diab, 6735 IH-10 West, representing the owners, stated that they would like to amend the rezoning to include only residential development on 18.627 acres. He further stated that they would like to have a continuance on the remainder, mainly because the neighborhood association president has requested this so that the residents can meet.

Staff stated there were 86 notices mailed out to the surrounding property owners, 8 returned in opposition and 5 returned in favor and no response from the People Active in Community Effort.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner Marshall for a continuance until December 20, 2005 the amended application to state 18.627 acres to "R-5" and the commercial part of the request be withdrawn.

1. Property is located on 24.966 acres out of NCB 16001 at Ray Ellison Blvd.
2. There were 86 notices mailed, 8 returned in opposition and 5 in favor.
3. Staff recommends approval of the "R-5" on 18.627 acres.

AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, McAden, Avila, Stribling, Kissling, Gray

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005276 – December 20, 2005

Applicant: Morano Family Investment Company, Inc.

Zoning Request: "R-6" Residential Single-Family District to "R-5" Residential Single-Family District.

Z2005276

Salah E. Diab, 6735 IH-10 West, representing the owners, stated that they would like to they would like to have a continuance because the neighborhood association will not be meeting until January 4, 2006 and they would like to meet with the residents at that time prior to coming back to the commission.

Staff stated there were 86 notices mailed out to the surrounding property owners, 8 returned in opposition and 5 returned in favor and no response from the People Active in Community Effort.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner Rodriguez for a continuance until January 17, 2006.

1. Property is located on 18.627 acres out of NCB 16001 at Ray Ellison Blvd.
2. There were 86 notices mailed, 8 returned in opposition and 5 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Sherrill, Avila, Kissling, Gray
NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005276 – January 17, 2006

Applicant: Morano Family Investment Company, Inc.

Zoning Request: "R-6" Residential Single-Family District to "R-5" Residential Single Family District.

Salah Diab, 6735 IH 10 West, representing the owner, stated they are requesting this in zoning to allow development of a single family dwelling on the subject property. He stated they have met with the representatives from PACE who are in support of this request.

Staff stated there were 66 notices mailed out to the surrounding property owners, 5 returned in opposition and 5 returned in favor and staff has received a verbal support from People Active in Community Efforts (PACE).

Z2005276

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner Kissling to find consistency with the neighborhood plan.

AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner Rodriguez to recommend approval.

1. Property is located on 18.627 acres out of NCB 16001 at Ray Ellison Boulevard.
2. There were 66 notices mailed, 5 returned in opposition and 5 in favor.
3. Staff recommends approval.

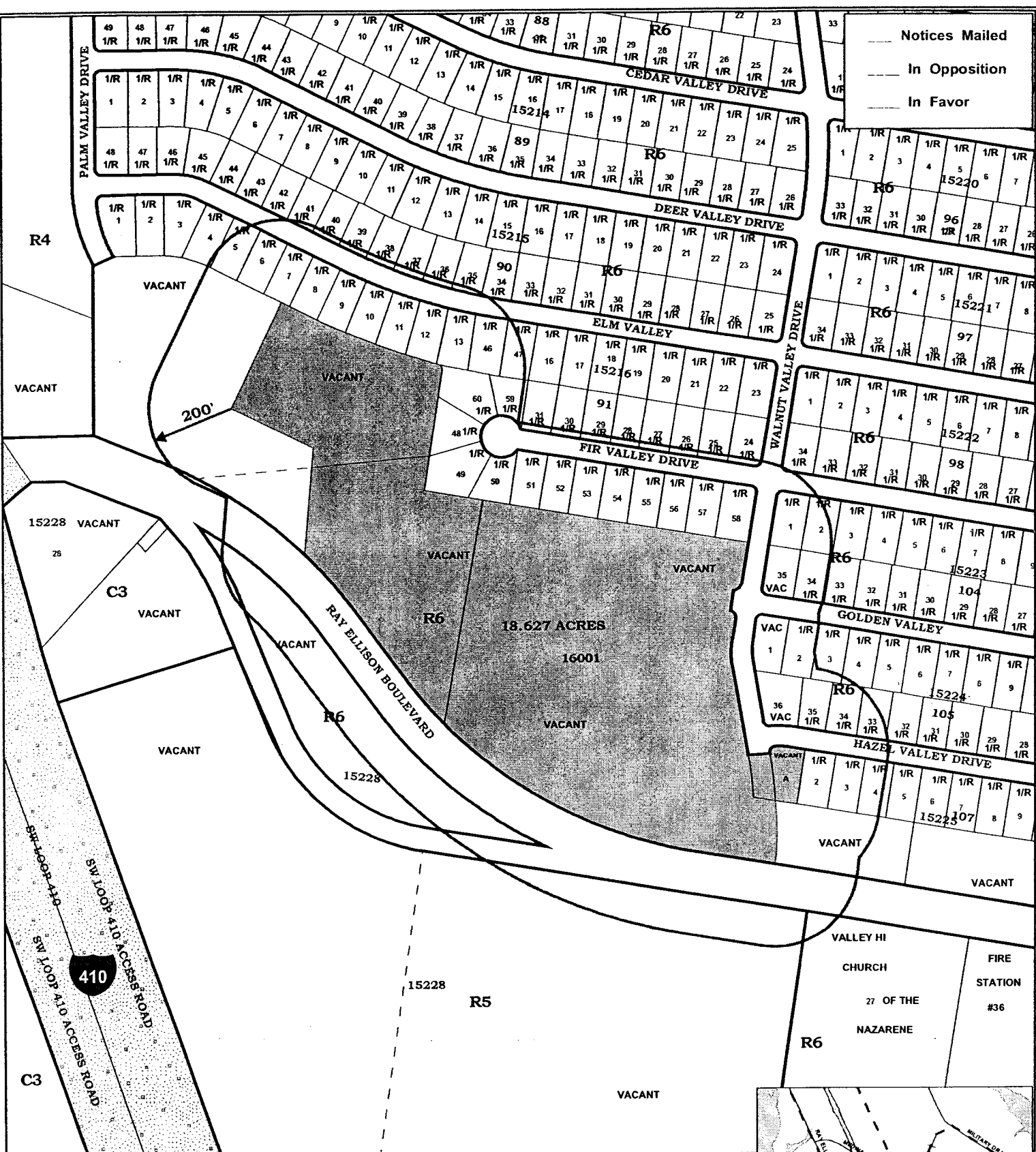
AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

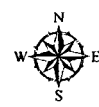


--- Notices Mailed
 --- In Opposition
 --- In Favor

ZONING CASE: Z2005-276

City Council District No. 4
 Requested Zoning Change
 From "R-6" To "R-5"
 Date: February 9, 2006
 Scale: 1" = 300'

[Shaded Box] Subject Property
 [Circle] 200' Notification



C:\Dec_6_2005

